

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**UNITED STATES OF AMERICA**

v.

**CHARLES EARNEST HAVENS, JR.,**

Defendant.

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Case No. 1:11CR00037-003

**OPINION AND ORDER**

By: James P. Jones  
United States District Judge

*Charles Earnest Havens, Jr., Pro Se.*

The defendant, a federal inmate, has filed a pro se motion that I interpret as a motion pursuant to the First Step Act of 2018 (Act) seeking compassionate release from the sentence of imprisonment imposed by this court because of the current Covid-19 health crisis and its danger to him because of his own health issues, as well as the need to support his family.

Prior to the Act, only the Director of the Bureau of Prisons (BOP) could file a motion with the court seeking compassionate release for an inmate. However, the Act amended 18 U.S.C. § 3582(c) to provide that a sentencing court may, after considering the sentencing factors set out in 18 U.S.C. § 3553(a), modify a sentence to grant compassionate release either upon motion of the Director “or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the [BOP] to bring a motion on the defendant’s behalf or the lapse

of 30 days from the receipt of such a request by the warden of the defendant's facility." 18 U.S.C. § 3582(c)(1)(A).

There is no indication that Havens has exhausted his administrative remedies. Thus, his motion must be denied. Havens also requests appointment of counsel, but under the circumstances, that request will also be denied.

Accordingly, for the reasons stated, the defendant's motion, ECF No. 322, is DENIED.

It is so **ORDERED**.

ENTER: April 20, 2020

/s/ JAMES P. JONES

United States District Judge